IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7889 of 2007()

(C.C.NO.685 OF 2006 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MAVELIKKARA)

PETITIONERS: ACCUSED 1 &2:

1. **ARAVINDAKSHAN,S/O. V.K.PAPPU, VAZHAYIL HOUSE, THULAPPALLY P.O. ERUMELI,KOTTAYAM DISTRICT.**

2. **MRS. SOBHA ARAVINDAKSHAN VAZHAYIL HOUSE, THULAPPALLY P.O. ERUMELI,KOTTAYAM DISTRICT.**

BY ADV. SRI.S.SANAL KUMAR

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

V. K.MOHANAN, J.

- - - - - - - - - - - - - - - - - -

Bail Application NO. 7889 OF 2007

- - - - - - - - - - - - - - - - -

Dated this the 24th day of December,2007.

O R D E R

The petitioners apprehend arrest on the accusation of having committed offences punishable under Sections 418, 419 read with Section 34 of the Indian Penal Code. According to the petitioners, the allegation against them is as follows:-

The petitioners who are man and wife borrowed an amount of Rs.5 lakhs from the complainant and the second accused issued a cheque dated 12.2.2003. The cheque was dishonoured upon which prosecution under Section 138 of the N.I.Act was launched against the 2nd accused as C.C.No.749 of 2003 on the file of the Judicial First Class Magistrate, Mavelikkara. During the trial, it was revealed that the account was that of the first accused. The complainant withdrew the proseuction and filed a complaint against both the accused. The learned Magistrate took cognizance of the offence on 16.9.2006 on which date itself bailable warrants were issued for procuring the presence of the accused. The bailable warrants were never attempted to be executed which resulted in issuance of non-bailable warrants.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the allegations levelled against the petitioners and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN,

Mbs/ **JUDGE.**

In this Petition filed under Sec. 438 Cr.P.C. the petitioners who are the accused in Crime No..... of..... Police Station for an offence punishable under Sec..... .... I.P.C., seek anticipatory bail.